



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SIXTEENTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DOUBLE
COUNTED CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Sixteenth Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7525] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7525] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there as
9 duplicative amount.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

13 Rob Charles

14 John Hinderaker (*pro hac vice*)

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19 *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

Proofs of Claim Asserting Duplicate Amounts

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
MILLER TRUST DATED 8/13/87	GARY I & BARBARA MILLER TTEES 2832 TILDEN AVE LOS ANGELES CA 90064	10725-02037	1,111,366.00	555,683.00
MINTER FAMILY 1994 TRUST	DOUGLAS & ELIZABETH F MINTER TTEES 5389 CONTE DR CARSON CITY NV 89701	10725-02383	1,244,089.74	622,044.87
MOORE, ERNEST J	2028 I ST SPARKS NV 89431	10725-02007	203,044.14	101,522.07
MOORE, PATRICK	C/O MUKS REALTY LLC 77-251 IROQUOIS DR INDIAN WELLS CA 92210	10725-02153	608,516.68	304,258.34
MOORE, RAYMOND C & ROSE	902 UNIVERSITY RIDGE DR RENO NV 89512	10725-02345	80,955.52	40,477.76
MURPHY, ELIZABETH R	PAYABLE ON DEATH TO MELISSA B MURPHY 320 HIDDEN TRAILS RD ESCONDIDO CA 92027	10725-02041	50,197.26	25,098.63
MURRAY TRUST	C/O AIMEE E KEARNS TRUSTEE 5886 N BONITA VISTA ST LAS VEGAS NV 89149-3911	10725-01998	729,435.88	364,717.94
NANCY N LAFLEUR TRANSFER ON DEATH TO	STEPHEN M & JAMES R LAFLEUR 9508 GRENVILLE AVE LAS VEGAS NV 89134	10725-02302	230,000.00	115,000.00
NANCY R DAVIS DEFINED BENEFIT PLAN	C/O NANCY R DAVIS TRUSTEE 12291 PROSSER DAM RD TRUCKEE CA 96161	10725-02085	279,063.50	139,531.75
NANCY R GILMOUR IRA	C/O FIRST SAVINGS BANK CUSTODIAN PO BOX 1241 CAMANO ISLAND WA 98292-1241	10725-01925	406,008.22	203,004.11